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**OFFICE OF PETITIONS**

In re Application of :  
Bo Philip Bengtsson :  
Application No. 09/961,149 :  
Filed: September 24, 2001 :  
Attorney Docket No. :

**ON PETITION**

This is a decision on the petition, filed February 28, 2005 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed August 25, 2003, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 26 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

Petitioner did not properly respond to the Ex parte Quayle mailed August 25, 2003. Enclosed is a copy of the Ex parte Quayle. This petition can not be revive until the proper response has been received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION  
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Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By facsimile: (703) 872-9306  
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Ex parte Quayle Mailed August 25, 2003.